KNOXVILLE POLICE DEPARTMENT RESPONSE TO RESISTANCE ANALYSIS

2014



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Response to Resistance Analysis Table of Contents

Executive Summary

Annual Trends for Response to Resistance

Officers Involved

District/Unit Overview

Precipitating Factors

Resistance Type and Force Used

Force Effectiveness

Injuries to Officers

SRO Response to Resistance

Demographics

Firearms Use

Policies and Practices

Recommendations

Executive Summary Response to Resistance Analysis 2014

In 2014, officers of the Knoxville Police Department had to use some level of documentable force against 130 persons that resisted arrest. Considering that officers arrested 11,791 persons, this would indicate that officers of the Knoxville Police Department only used force in 1% of all arrests or used no force in 99% of all arrests. Officers used force sparingly which is a clear reflection on the education, training and professionalism of the Knoxville Police Department. This low percentage of force is further supported by the steady decline in the real number of response to resistance encounters.

There was a reduction of 21 Response to Resistance Reports (RTR) in 2014 when compared to the previous year. This notable decrease of 14 % makes 2014 a record low year for documented responses to resistance with 2013 being the second lowest at 151. Since 1997, the only other two years with remotely comparable numbers, were 1998 with 160 and 1999 with 155

In 2013, there were 151 incidents that required a response to resistance and 5 of those were K-9 use reports which resulted in a bite. It is important to note, that only those apprehension reports which resulted in a bite are counted in the Response to Resistance Analysis. In 2014, there was a total of 130 Response to Resistance reports with 11 of those being K-9 apprehension reports which resulted in contact between the suspect and a police canine. The use of police canines in responding to resistance during 2014 increased by 6 incidents from 2013. This makes the decrease in force used by officers even more pronounced.

Response to Resistance Incidents for 2013/2014

Туре	2013	2014
Response to Resistance Reports	146	119
K-9 Use Reports	5	11
Total	151	130

The most significant decrease in response to resistance reporting was realized in the Patrol Division. The Patrol Division accounted for 128 incidents in 2013 and 118 in 2014. Patrol has historically accounted for the majority of response to resistance reports and any significant decrease will be represented in patrol reporting. However, patrol submitted fewer reports which equates to an 8% drop.

Support Services experienced a significant decrease in the number of Response to Resistance reports by going from 19 in 2013 to 9 in 2014. Management services had no RTR incidents and C.I.D. had 3 incidents where a response to resistance was required.

During 2013, any member who applied any type of less lethal weapon(s) (including impact weapons and munitions, OC spray and Electronic Control Devices) which were actually used (not merely displayed), and/or physical force applied at the level of empty hand hard or greater, or instances where injury to the suspect was visible or apparent, had to document their actions on a Response to Resistance Report.

Individually or collectively, the following factors may have played a role in decreasing the number of reported incidents in 2013.

Policy Changes: General Order 1.6, "Response to Resistance"

A policy change to General Order 1.6 in 2013 removed the requirement for officers to document those instances when they point their firearm at an assailant. Officers are no longer required to document instances when their firearm is simply displayed in an attempt to gain compliance or increase officer safety for tactical reasons. This policy change reduced the number of reports for pointing a firearm from 16 in 2012 to 9 in 2013. However, the decrease in the overall amount of force used from 2012 to 2014 far exceeds the number of incidents where officers pointed their firearm. Therefore, the decrease in force cannot be fully explained by this policy adjustment.

Recent Internal Investigations:

A high profile Use of Force investigation was conducted in 2013 that resulted in three officers separating from the department and each one pleading guilty to a felony and misdemeanor charge. Furthermore, seven other members received disciplinary action stemming from the same investigation. In the past five years there have been seven I.A.U. investigations that resulted in sustained use of force infractions. Five of those incidents occurred in 2013 and the other two occurred in 2012. The three years prior had no sustained allegations for Use of Force. The department's response in recent history may have played a role in changing the way officers view and react to force situations.

Educational Level of Officers:

There have been several studies to support the idea that an officer's level of education will reduce the frequency of force usage. A thesis by Jason Rydberg, which was published in the March 2010 edition of "Police Quarterly," cited a correlation between force usage and the educational level of the officer's involved. According to ¹Rydberg, "...some exposure to college reduces the likelihood of verbal force, but a four-year degree is necessary to reduce the likelihood of Physical force."(2010). In fact, Rydberg estimated that officers with a four-year degree are 12% less likely to use force than officers with a high school diploma or less(2010).

The Knoxville Police Department may be the beneficiary of decreased force usage due to a recent increase in the number of officers who possess a 4 year degree. In 2006, when force usage was at an all time high (316 incidents), the department had 101 officers with a four year degree. In eight short years the department expanded that number to 193 officers. In essence, force usage dropped by 59% in 8 years while the number of 4 year degrees increased by 91 %. Currently, 47% of all officers in the Knoxville Police have a four year degree.

^{1.} Rydberg, Jason, "The Effect of Higher Education on Police Behavior" (Michigan State: 2009).

Response to Resistance by Month

Out of the twelve months in 2014, June accounted for the highest number of Response to Resistance reports with 18, followed by January with 15 and April with 14. These three months combined to account for 36% of all incidents reported in 2013. The months of October and September had the least number of reported incidents with 8 and 7 respectively. The following is a breakdown of each month and how each one contributed to response to resistance reporting. The monthly figures for 2012 and 2013 are represented in the chart. The three months that reflect the highest reporting are noted in yellow and the two months with the least amount of incidents are noted in green.

	2012	2013	2014	2014 Monthly %
January	<mark>22</mark>	13	<mark>15</mark>	12 %
February	15	12	9	7 %
March	<mark>22</mark>	<mark>8</mark>	10	8 %
April	18	$\overline{1}4$	14	11 %
May	<mark>22</mark>	10	11	8 %
June	21	12	<mark>18</mark>	14 %
July	19	<mark>17</mark>	10	8 %
August	<mark>12</mark>	<mark>15</mark>	10	8 %
September	19	<mark>18</mark>	8	6 %
October	21	11	<mark>7</mark>	5 %
November	15	13	9	7 %
December	12	8	9	7 %
	218	151	130	

There is little consistency from year to year in what months will account for the greatest number of Response to Resistance reports. Within a span of three years an exceptionally low month can transition into a month with a high number of incidents. Similar inconsistencies arise when determining the months that will have the least amount of reported incidents.

2014 Quarterly Overview

During 2014, the second quarter represented 43% or 43 incidents where officers had to use force to control a situation. The first quarter accounted for 26% (34) of the responses to resistance by officers. The third quarter accounted for 22% (28) and the fourth quarter accounted for 19 % (25) of the responses to resistance reported. The quarters with the highest numbers of force applications are reflected in yellow and the lowest quarters are denoted by green.

Year	2012	2013	2014	2014 Quarterly %
1 st Quarter	59	33	34	26 %
2 nd Quarter	<mark>61</mark>	36	<mark>43</mark>	33 %
3 rd Quarter	50	<mark>50</mark>	28	22 %
4 th Quarter	<mark>48</mark>	<mark>32</mark>	25	19 %
Total	218	151	130	

On average, the first and second quarters had the greatest number of force encounters with the fourth quarter having the least. These figures may reflect weather related factors and decreased calls for service that could diminish the likelihood of a force encounter. However, force was relatively consistent in 2014 from one quarter to the next.

2014 Day of Week Overview

Monday, Friday, and Sunday experienced the highest number of Response to Resistance incidents in 2014. Those three days accounted for 48 % of reported incidents, whereas Tuesday, Wednesday, Thursday and Saturday represented the remaining 52%. With the exception of Saturday, which was exceptionally low, the likelihood of being involved in a force incident was relatively consistent throughout the week. Monday was the highest day and accounted for 23 incidents which was slightly above the daily average of 17.83 incidents for the other days of the week.

Response to Resistance by Day of Week

	2012	2013	2014	
Monday	28	22	<mark>23</mark>	
Tuesday	<mark>31</mark>	20	18	
Wednesday	<mark>32</mark>	11	18	
Thursday	28	23	17	
Friday	<mark>43</mark>	<mark>29</mark>	<mark>21</mark>	
Saturday	29	<mark>25</mark>	14	
Sunday	27	21	<mark>19</mark>	
Total	218	151	130	

For three consecutive years, Friday has accounted for the busiest day or the second busiest day of the week for using force. Friday remains the leading day that officers will most likely be in a response to resistance incident. The uncertainty of law enforcement is reflected in the numbers and their variation from one year to the next.

Response to Resistance by Time of Day 2012- 2014

During 2014, the evenings and nights (1700 hours – 0200 hours) experienced the most incidents of resistance with 62 % of the reported incidents occurring during this 9 hour block of time. In 2013, this time frame accounted for 49% of all force used. The evening hours also accounted for more calls for service and increased police activity.

Three Year Overview by Time of Day

	2012	2013	2014	Total
Mid Mid	12	7	11	30
1AM	10	11	10	31
2AM	10	9	11	30
3AM	6	5	5	16
4AM	5	8	2	15
5AM	5	1	1	7
6AM	2	2	0	4
7AM	3	1	2	6
8AM	6	0	6	12
9AM	12	7	2	21
10AM	7	1	2	10
11AM	8	10	3	21
Noon Noon	12	14	3	29
1PM	6	6	6	18
2PM	6	8	3	17
3PM	10	9	7	26
4PM	8	5	7	20
5PM	9	4	10	23
6PM	10	8	8	<u> 26</u>
7PM	10	11	6	27
8PM	21	8	3	32
9PM	15	3	5	23
10PM	12	7	8	27
<u>11PM</u>	13	6	9	28
Total	218	151	130	499

In the three years prior to 2014 there was a growing trend in the number of reported response to resistance encounters between the hours of 11:00 AM and 1:00 PM. The

numbers of reported incidents in mid day were beginning to resemble the evening hours that have traditionally been much more active. In 2014 the response to resistance encounters returned to a level more fitting for that time period. There still is no obvious or concrete explanation that can account for this unusual increase in the three years prior to 2014.

Response to Resistance by Subject

The majority of persons upon whom police used force in 2014 were white males (50%) followed by black males (36%). Black females accounted for (8%), White females (4%) and Hispanic males (2%).

Response to Resistance 2014: Involved citizen demographics

	Female	Male	Unknown	Total
Arabic	0	0	0	0
Asian	0	0	0	0
Bi-Racial	0	0	0	0
Black	10	48	0	58
Hispanic	0	2	0	2
Indian	0	0	0	0
Mixed Race	0	0	0	0
Other	0	0	0	0
Polynesian	0	0	0	0
Unknown	0	0	0	0
White	5	66	0	71
Total	15	116	0	131

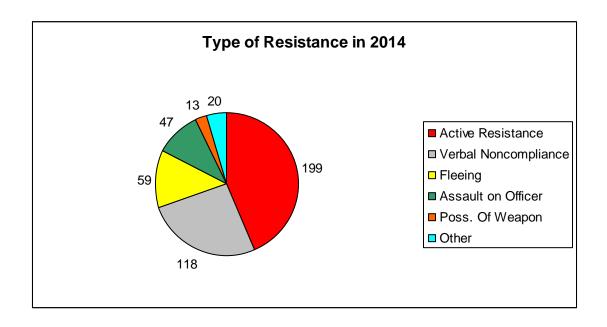
The demographic breakdown on force remained largely unchanged from 2013 to 2014. As a percentage of involved citizens, white males still represent the majority of those who resisted officers. In 2014 there was a 2% increase in white males who resisted arrest while white females saw a decrease of five percent. Black males realized a 6% increase over 2013 while black females decreased by two percent with Hispanic males remaining unchanged. There were no Hispanic females on whom force was used in 2014. No significant changes in the demographics would indicate that officers are applying force in a consistent and impartial manner.

Resistance Used by Subjects

Those who resisted the police chose a wide array of non-compliant behaviors and actions that required officers to use force. It is important to note, that many of the reported incidents involved several types of resistance and several types of responses by Knoxville Officers.

The most prominent type of resistance utilized by arrestees was active resistance, which accounted for 43 % of all resistance. This type of active, physical, resistance included wrestling or pulling away from an officer to avoid being handcuffed and/or to evade arrest. Included in this category are those instances where subjects refused to exit a vehicle upon an officer's command and the officer was required to forcibly extract the subject. It is important to remember that physical resistance can continue after restraints are applied.

The second most prevalent type of resistance was verbal noncompliance, which accounted for 26%. This encompasses resistance that likely precipitated more aggressive resistance. Failure by an arrestee to show their hands or follow basic instructions would be some of the resistance included in this category.

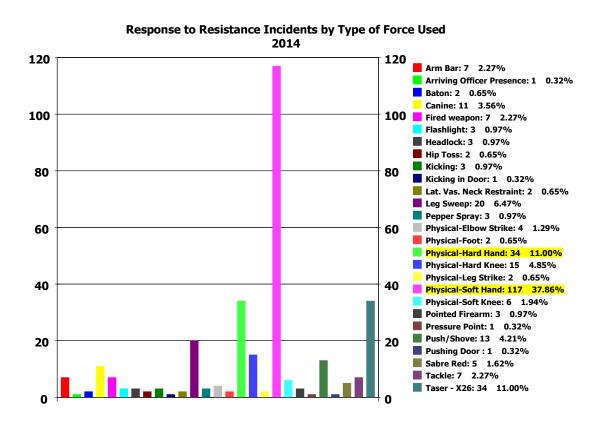


In 2014, officers reported 47 occurrences when they were assaulted or the victim of an attempted assault during a response to resistance. Multiple assaults or assault attempts can be employed during a single response to resistance scenario. For instance, a suspect may choose to spit, punch and kick during their attempt to resist arrest. Officers will frequently document all acts of violence employed by the suspect on the Response to Resistance report. Of the 465 different types of resistance employed by assailants, 10 % were assaults or attempted assaults on officers. This figure is slightly higher than 2013 when assaults on officer(s) totaled 9 % of the total resistance types.

The fourth most prevalent type of resistance used by assailants was fleeing which accounted for 13%. Fleeing encompasses running and attempting to run on foot, as well as, real and attempted flight in a vehicle. In three percent (3%) of the reported incidents, a weapon was used against the officer or possessed by the arrestee. The weapons in these incidents ranged from a knife to a firearm. The percentage of arrestees that possessed a weapon remained unchanged from 2013.

Types of Force Used by Police

The most prominent type of force used by Knoxville Officers in 2014 was soft hand techniques which accounted for 42 % of all responses. Soft hand techniques include pain compliance techniques, arm bars, and "come-along" holds. Empty-hand hard techniques were the second most frequent type of force and accounted for 34 % of all responses to resistance. Empty hand hard techniques are represented by strikes, kicks, and movements that cause the assailant to impact the ground. The Taser X26 was the third most common type of forced used and accounted for 11% of all force applied.



Empty hand hard techniques have experienced a drastic increase from 2013 due to a change in how those figures are now calculated. If empty-hand hard techniques were calculated in the same manner as in years past the percentages in 2013 would be identical to those in 2014. Prior to 2014, the only numbers included in the annual report were highlighted in the above legend to the right of the graph. Effective 2014, all types

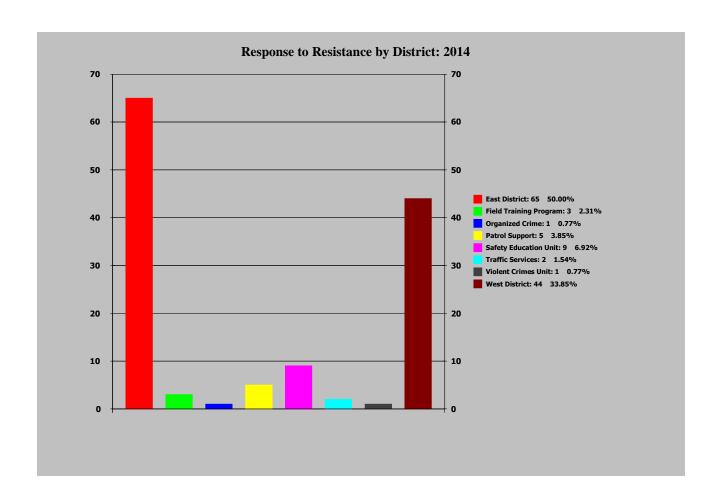
of force listed in the legend that qualifies as empty-hand hard or soft techniques will be combined into their respective category. This change will give a more comprehensive picture of force and will initially give the false impression of increased usage.

Although they are similar in terms of force continuum, the Taser and pepper spray are not included in the empty-hand hard figures. In 2014, the Taser was deployed 34 times which accounted for 11% of all force used. Taser usage dropped by 3% from 2013. Pepper spray was deployed 8 times and accounted for 3% of force used, which was a modest increase of 2 % from 2013. The use of pepper spray continues to remain low when you compare a usage rate of .84% in 2013 and 2.27 % in 2012.

Response to Resistance by Division, District and Unit

The Patrol Division accounted for 91 % of all Response to Resistance reports. Support Services accounted for 7 % of reported incidents and C.I.D. accounted for 2%.

The East District had the highest number of response to resistance reports with 50 % and the West District had the second most incidents with 34 %.



Response to Resistance Injuries to Officers

It is not uncommon for officers to be injured while using force or responding to resistance. Officers may sustain injuries that stem from numerous factors during these highly charged incidents. During 2014, officers were assaulted, injured while falling or by using poor tactics when applying force. Injuries and abrasions to the hands are a possible indicator that an officer's response was less than optimal. Strikes with a closed fist are not generally recommended and have led to officer injuries in the past. Poor defensive tactics can be addressed through increased training.

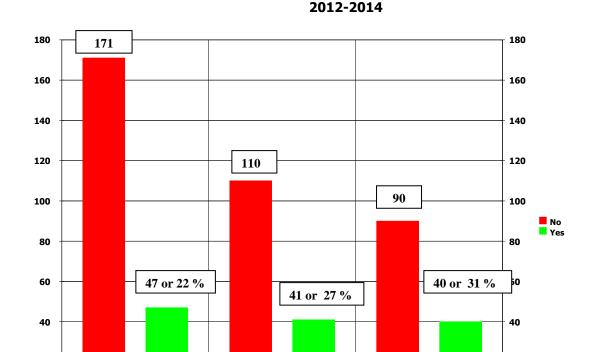
The reasonableness of the chosen force is influenced by the unique characteristics of each incident. Rarely are two responses to resistance the same. The uniqueness of every encounter is dictated by a wide variety of issues that must be measured by the officers on scene and in real time. In the span of several seconds, officers must choose a response that is effective and appropriate. The suspect's actions, time restrictions, and physiological factors will greatly influence the response of each officer. Each encounter must be judged on its own merits.

Many of the injuries sustained by K.P.D. officers were unavoidable and can be considered the natural result of a force on force encounter. More often than not, minor injuries can be expected during a fight or struggle between two or more parties. Fortunately, the vast majority of injuries that K.P.D. officers received were minor in nature.

During 2014, there were a total of 40 response to resistance encounters that resulted in an officer(s) being injured. The numbers indicate that 31% of all force encounters in 2014 resulted in an officer(s) being injured.

There has been a steady decrease in the number of response to resistance incidents in the past three years, but the percentage of officers injured have steadily increased. In 2012 the percentage of response to resistance encounters that resulted in an officer being injured was 22 % and that rose to 27 % in 2013.

Response to Resistance 3 Year trend: Breakdown by Officer(s) Injured



2013

20

2012

A total of 40 officers received 56 different types of injuries while applying force to overcome resistance. It is important to note that 75% of the reported injuries did not result in an officer seeking medical treatment. If any treatment was required, it

20

2014

was performed on scene by first responders. In 2014, there were a total of 10 officers that were injured while using force that required the attention of an emergency room doctor or personal physician. The most severe injuries sustained by officers in 2014 were fractures to the nose, ankle and hand. One officer made a full recovery after being shot in the forearm in 2014 and has returned to duty.

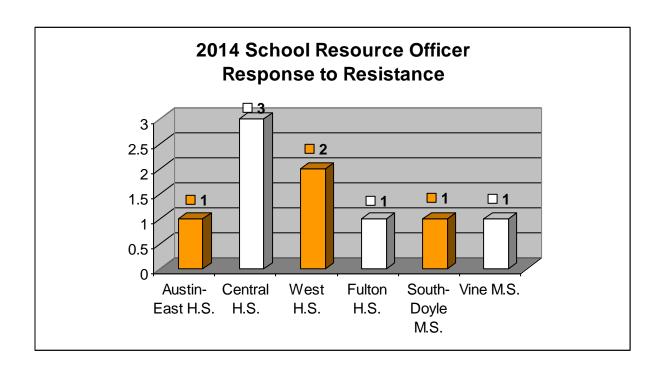
Type of Injuries that Officer Reported in 2014

	Number of
Type of Injury	Injuries
Minor Scrapes Ab	rasions
Face	5
Arm	3 4
Elbow	
Hand	14
Knee	5
Bruising	
Arm	1
Elbow	1
Hand	2
Leg	1
Knee	2
Lacerations	
Arm	1
Hand	3
Sprains/Strains	
Knee	4
Wrist	1
Shoulder	1
Broken Bones	
Nose	1
Ankle	1
Hand	1
Exposure to Bodi	ly Fluids
Blood	4
Saliva	1
Totals	56

Hand injuries were the most commonly documented injury and accounted for 36% of all injuries. Knee injuries were second and accounted for 20% of all injuries reported.

2014 SRO Response to Resistance Overview

There were 9 Response to Resistance reports involving school resource officers in the performance of their assigned duties in 2014. This was a decrease of 4 from 2013. School Resource Officers had to respond to resistance against 8 juveniles and 1 adult during 2014. During 2014, School Resource Officers were required to respond to resistance while taking part in secondary assignments (i.e. extra jobs, U.T. Football games etc.). Only those responses to resistance that were the direct result of their SRO assignment are represented in this section.



Recommendations

- * One officer resigned under duress in 2014 who was number 2 on the list for uses of force in 2013. A second officer from the 2013 list received a suspension for serious policy infractions in 2014 and a third officer from the 2013 list is currently on restricted duty and under investigation for serious policy infractions. All three officers were in the top 10% of force users in 2014. Use of force alone is not always a clear indicator of employee misconduct. However, there is at least some correlation between a high number of force usage and potential performance concerns. Remember, 25 % or 4 out of 16 officers on the top 10% list from 2012 are no longer employed by K.P.D. It is imperative that first line supervisors be proactive in thoroughly reviewing and investigating response to resistance scenarios. Supervisory in-service should include a module that emphasizes the proper review response to resistance reports and documentation of any policy violations pertaining to force usage.
- * On average, domestic disturbances and traffic stops accounted for 14 % of all actions that precipitated a response to resistance. Ongoing training on domestic violence calls and traffic stop safety would serve to promote greater officer safety.
- * In 2014, officers reported being assaulted or the victim of an attempted assault in 10 % of response to resistance scenarios. This is a slight increase from 9% in 2013. Sound defensive tactics and good physical conditioning will allow officers to more effectively protect themselves and more overcome active resistance, which is the type of resistance that most officers will encounter.
- * During 2014, pepper spray remained under utilized by officers who reported using the tool a mere 8 times. The Taser was deployed 34 times during the same time frame. The discrepancy in use between the two is not justified by the reported effective rates. Pepper spray is effective 63% of the time while the Taser has an effective rate of 62%. Clearly, the Taser is an excellent tool, but pepper spray is arguably under utilized. The figures are exacerbated by the manpower demands associated with transporting Taser recipients to a medical facility for a follow-up. We should consider training that reinforces the use of pepper spray when it can be safely deployed.

During 2014, there were three officer involved shootings that followed an unsuccessful deployment of the Taser. In two of those shootings the officers received a shock from their own Taser after getting caught up in the wires in the ensuing struggle. More training should be conducted to better condition officers when and how to deploy a Taser during a physical altercation while under attack by an assailant (i.e. drive stun, narrow spread on probes).

- * Hand injuries were the most commonly documented injury and accounted for 36 % of all injuries. Furthermore, the most serious injuries were fractures to the hands, nose and ankle. Trainees and experienced officers should be continually reminded to avoid empty-hand hard strikes. On 34 occasions, officers utilized empty hand strikes with a reported effective rate of 53 %. Hitting with a closed fist should be discouraged and other strikes recommended.
- * There were five officer involved shootings in 2014 that involved a total of seven officers. All of the shootings were justified and two were in response to being shot at by the suspect. One shooting involved a vehicle that nearly struck two officers and the other two were the result of the suspect attempting to disarm the arresting officer. Fortunately, both officers were able to retain control of their weapons and use them in defense of their lives. The Firearms Training Unit should focus on combat firearms training and stress induced shooting scenarios with Air-soft or Simunitions. Secondly, weapons retention training should be revisited at in-service training as a reminder to our officers that there is always one gun in every fight.
- * Ongoing training in effective communication techniques that may lessen the necessity for physical confrontations when responding to resistance is always recommended.
- * I would also recommend an expansion of the Educational Incentive Program to include an incentive for associate degrees and master's level degrees due to the correlation between the level of education and the tendency to use force, as discussed in the Executive Summary of this report. All efforts should be made to encourage our officer's to start and continue their secondary education. I also recommend that we set a 5 year goal that will make an Associate's Degree a minimum qualification for employment as a Knoxville Police Officer.

Policies and Practices

There were no significant policy changes to the Response to Resistance policy in 2014 and no future changes are currently recommended.

Precipitating Factors

There was a wide range of factors that precipitated the application of force by officers in 2014. There were 45 different types of services that were being provided when officers were required to respond with force. This galvanizes the fact that any call has the potential to be dangerous. Officers routinely wade into situations and calls without a complete knowledge of the facts and circumstances. Law enforcement officers approach unknown offenders on traffic stops and respond to calls equipped with limited information provided by a biased or uninformed third party. Frequently, the details of most calls are not confirmed until an officer(s) have been on scene for an extended period. This realm of the unknown is writhe with dangers and pitfalls for the officers of K.P.D.

Top Six Calls That Resulted in a Response to Resistance and Mandatory Blood Draws

Type of Call	Number of Force Incidents	% of Force Incidents
Domestic Disturbance	12	9 %
Disturbance Call	12	9 %
Public Intoxication	8	6 %
School Disturbance	7	5 %
Working Security	7	5 %
Traffic Stop	6	5 %
Mandatory Blood Draw	1	1 %
Total	46	35 %

Domestic disputes, disturbance calls, and public intoxications calls were the three police activities that resulted in the most responses to resistance in 2014. Domestic disturbances remained in the top three for the third consecutive year. The top three types of services being rendered prior to force being used were domestic disturbances which accounted for 9 % of the force incidents, disturbance calls 9 %, and public intoxication calls at 8 %. Disturbance calls did not appear on the list in 2013, but was in the number two slot for 2014.

Two of the top six precipitating factors are new to the list in 2014. There is no clear reason that explains this phenomenon. However, based on a three year trend, domestic disputes and traffic stops still pose the greatest risks to officers of the Knoxville Police Department.

The numbers also indicate that relatively minor calls can require officers to use force. Officers used force while dealing with publically intoxicated persons and while working security. This reinforces the need for officers to remain vigilant and avoid the tendency to become complacent on "routine" calls.

Mandatory Blood Withdraws 2013

There was one case in 2014 that required an officer to forcibly effect a mandatory blood withdraw. The officers used minimal force and no injuries were sustained by the prisoner or the officers involved.

Officers Who Used Force in 2014

During 2014, there were a total of 118 officers that utilized 309 types of documentable force. These officers and their actions were documented on 130 Response to Resistance reports. As previously stated, multiple officers may have employed several forms of force on the same subject. These figures do not capture witnessing officers that may have observed the use of force but did not engage. Below are the top 11% of officers who used force during 2014.

Officer Name	Number of times Involved if Force Usage
Officer Richard White	7
Officer Brian Mullane (K-9)	6
Officer Zackery Herman	6
Officer Thomas Turner	6
Officer Travis Baker	5
Officer Andrew Markham	5
Officer Jeffery D. Hopkins	4
Sgt. Jonathan Chadwell	4
Officer Jakob McDaniel	4
Officer Christopher Hutton	4
Officer Deric Runge	4
Lt. Gordon Gwathney	3
Officer Adam Moore (K-9)	3

These 13 officers were involved in 47 % of all force incidents in 2014. It is important not to draw any short-sighted conclusions based on these figures. All of these officers were assigned to patrol, which accounts for the vast majority of all force usage. These figures by themselves provide no indication of improper conduct. Conversely, it is equally important to point out that four officers (25%) on the same list from 2012 were forced to leave the department for serious policy infractions in 2013. The top 10% of force users in 2013 produced one officer that

resigned under investigation, a second officer that received a suspension and a third officer is currently on restricted duty and under investigation for serious infractions. The information in this chart is just another tool to aid supervisors with managing their personnel.